

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED	)	
AGAINST POLICE OFFICERS:	)	Case Nos.:
CARL CARTER, STAR NO. 16352,	)	99-2384
SERENA DANIELS, STAR NO. 11341,	)	99-2385
MICHAEL W. WILLIAMS, STAR NO. 12379,	)	99-2386
STAFFORD WILSON, STAR NO. 09227,	)	99-2387
	)	
	)	CR #254121

**FINDINGS AND DECISION**

**I. INTRODUCTION**

On June 4, 1999, a tragedy befell our City. Latanya Haggerty, an innocent, unarmed young woman, was fatally wounded by a police officer. There is no evidence that anyone, including the police officers charged in this case, intended to cause such a terrible tragedy. Nonetheless, it occurred, and the Police Board has been called upon to determine why it occurred and whether any of the officers should be held responsible.

In looking at what led to this tragedy, there is no question that Raymond Smith contributed directly and substantially to the death of Latanya Haggerty. Indeed, it is fair to say that he is principally responsible for what occurred. Had he not committed the criminal and irresponsible acts he did on June 4, 1999, Latanya Haggerty would be alive today.

It is also clear that Raymond Smith presented these officers with a substantial challenge. It is, however, part of an officer's job to deal with people like Raymond Smith, and to deal with them professionally. We take seriously the notion that police work is a profession. Not everyone can do the work of an officer, as it is difficult and dangerous. It requires rigorous training, careful supervision and strict adherence to the rules of the profession. The question for the Board here is

whether these officers violated those rules in dealing with Mr. Smith and , if so, what is the appropriate penalty for these violations.

## **II. THE EVENTS OF JUNE 4, 1999**

On Friday, June 4, 1999, Raymond Smith picked up Latanya Haggerty at her job, located in the Encyclopedia Britannica building, which is in the 300 block of South Michigan Avenue. They drove through the South Side. At about 5:00 PM, Smith stopped at 88<sup>th</sup> or 89<sup>th</sup> and South Cottage Grove to talk to a friend of his (Mr. Royal). Smith's car was in the right hand lane of southbound traffic. Beat 632 (driven by Officer Michael Williams with Officer Serena Daniels in the passenger seat) pulled alongside and Smith was asked for his driver's license and insurance. Smith testified that Officer Williams told him to move that "shit ass car off the road motherfucker". Officers Williams and Daniels denied that Williams made this vulgar threat. Smith's friend Royal, who could have corroborated Smith's account of this exchange, did not testify. All of the witnesses agreed, however, that Smith drove on without producing his license or insurance.

Beat 632 then stopped Smith's car about one block south on Cottage Grove. The officers testified that in the meantime they ran Smith's license plates on the computer and the plates were not registered to Smith's vehicle. There is another dispute about what was said by Officer Williams to Smith. Smith testified that as he was trying to give Officer Williams a paper showing that his driver's license had been reinstated, Williams ordered him to roll down the window. When Smith did not, he testified Williams pounded on the window and said "roll it down before I break the window and snatch your ass out of the car". Officers Williams and Daniels denied that Williams pounded the window or threatened Smith. It is not disputed, however, that Smith then drove off without surrendering his license or proof of insurance, and the officers pursued him.

The Board does not credit the testimony of Smith as to these encounters, nor does the Board believe that Smith fled from the police because of a threat by Officer Williams. Smith conceded in his testimony that he was in possession of marijuana at the time. Further, on May 14, 1999, less than a month before, Smith had been arrested for felony possession of marijuana with intent to distribute, and was then on bond. A condition of his bond was that he not commit any further criminal acts. To compound his problems, Smith had previously been arrested for driving on a suspended license, and fourteen days before this incident had been placed on supervision for this offense. A condition of his supervision was that he commit no further criminal offenses. Smith, however, was in the process of committing two crimes when Beat 632 stopped him. He had the marijuana in his possession, and he was still driving on a suspended license. The latter was made clear when Craig Turton, from the Illinois Secretary of State's office, impeached Smith and testified that on June 4, 1999, Smith's driver's license remained suspended. The Board therefore concludes that Smith fled from the police because of his criminal conduct and his desire not to be apprehended. The Board further finds that Officers Williams and Daniels acted properly in stopping and attempting to detain Smith.

Officers Williams and Daniels then pursued Smith's gray Oldsmobile Cutlass for more than 30 blocks----south on Cottage Grove, west on 95<sup>th</sup> Street, into a neighborhood south of 95<sup>th</sup> Street, and then back east on 95<sup>th</sup> Street. Smith refused to stop his vehicle. This is plainly a motor vehicle pursuit within the meaning of General Order 97-3 III (I). As such, General Order 97-3-2 required Officers Williams and Daniels to notify the Department's Office of Emergency Communications ("OEC") of their pursuit. They did not do so until the pursuit had lasted at least 15 blocks. They notified the dispatcher of what they were doing at 5:18 PM, as they were eastbound at 95<sup>th</sup> and Wentworth. Even then, Officer Daniels expressly told the dispatcher Beat

632 was not chasing Smith's car. The officers also did not provide all relevant information required by General Order 97-3-2, including the reason for the pursuit.

The motor vehicle pursuit ended at the intersection of 95<sup>th</sup> Street and Cottage Grove, when Smith's car was cut off by Beat 634, coming southbound on Cottage Grove. This car was driven by Officer Carter. Officer Wilson was the passenger, and he testified that he and Officer Carter heard about the pursuit by Beat 632 on Officer Wilson's radio and decided to offer assistance.

Beat 632 came to a stop behind Smith's car. At this point, there is no dispute that the officers exited their vehicles and ordered Smith out of his car. Smith refused to leave his car, but instead extricated his vehicle from between the officers' two cars and left, proceeding westbound on 95<sup>th</sup> Street. There is also no dispute that Officer Daniels fired two shots at Smith's car, and Officers Williams and Wilson fired one shot each at the car, even though the intersection was a busy one, adjacent to Chicago State University, and it was rush hour on a summer, Friday afternoon. Officer Carter did not fire his weapon.

The officers claimed they fired their weapons because Smith tried to run them down with his car. They contended he was using the car as an instrument of deadly force and they were required to use lethal force to prevent their own death or injury, as would be permitted under Department General Order 86-8. The Board, however, does not credit the officers' testimony on this point. The officers are directly impeached by Tarran Williams, a twenty-five year old biochemistry student at Chicago State, who was standing nearby, and by Abdul Jebrin, who was selling rugs twenty yards from the intersection. Both of these witnesses said that Smith's car never threatened the officers. These are neutral witnesses with no apparent incentive to compromise the truth. Daryl Abner, a CTA bus driver, also was present on the scene and testified. He said Smith's car jerked forward twice toward an officer, who then hit the top of Smith's car.

The Board does not credit Abner's testimony, as his description of Smith's car, of the route Smith's car took both prior to and after he was stopped by the police, of where the shots came from, and of the positions of the various officers conflict dramatically with all of the other testimony in the case—both from the officers and the other witnesses. He also conceded he did not watch the entire incident.

The officers' testimony about the events at 95<sup>th</sup> and Cottage Grove is further undermined by their testimony that Smith's car sped westbound on 95<sup>th</sup> Street in a forward direction, as opposed to backwards, as Smith, Tarran Williams and Abdul Jebrin testified. It is difficult to conceive how Smith could have left the intersection going forward, given the position of his car and the officers' cars. Finally, one of Officer Daniels' shots lodged in the rear passenger hubcap and wheel well. This supports the testimony of Tarran Williams that Daniels shot from the right side of Smith's car and not while jumping from behind his car.

James Marsh, the City's expert on the use of force by police officers, testified that the officers' decision to shoot at Smith's vehicle was not reasonable or appropriate, even if the officers believed that the car was going to run them down. The Board agrees with Mr. Marsh that shooting the driver of the car, the vehicle itself or its tires would not have stopped the vehicle and protected the officers. In addition, the Board finds that the officers were not in danger of being run down when they discharged their weapons. Firing their guns was therefore not a proper course of action for the officers. In addition, it is clear that this reckless use of force endangered the citizens in the area, Ms. Haggerty and the officers themselves.

Whenever an officer discharges his or her weapon, it is a very serious matter. The Department's General Order 99-01 provides that the officer must notify OEC immediately and provide all relevant information about the weapons discharge, among other things. Officer

Daniels contends that at 5:21 PM, right after this shooting, she told the dispatcher: "632,634 shots fired". The contemporaneous OEC tape in evidence, at most, says "shots fired" and even this is garbled virtually to the point of where it cannot be recognized. Indeed, if one were not looking to hear "shots fired" on the tape, it is likely that it could not be heard. Therefore, the Board does not doubt the testimony of Dispatcher Conerly and Sgt. Bednarek (the officers' immediate supervisor) that they did not hear any report of shots fired from Officer Daniels on June 4, 1999. Even if Officer Daniels radioed in "shots fired", however, General Order 99-01 requires much more. Because the officers fired their weapons, they needed to inform supervisory staff immediately as to who fired the shots, why the shots were fired, where they were fired, what crimes had been committed and how the situation was developing. Officer Daniels did none of this. Nor did any of the other three officers make any effort to provide their supervisors with any information as to the shooting at 95<sup>th</sup> and Cottage Grove.

We note here that Officer Carter testified that his radio was not functioning, and the Board has no basis for disbelieving him. Nonetheless, Officer Carter's partner, Officer Wilson, had a radio. Officer Wilson was seated next to Officer Carter and, on a matter as important as the discharge of an officer's weapon, it was Officer Carter's duty to make sure that he or his partner made the requisite report, particularly where none of the other officers on the scene made an adequate report of the weapons discharge.

Smith (with Haggerty) then sped away in a northbound direction to 64<sup>th</sup> and King Drive, a distance of at least 30 more blocks. Beats 632 and 634 joined in a full pursuit that appears to have lasted about five to six minutes. Officer Daniels called out the intersections she was passing as she began this part of the chase. Because of the officers' failure to report adequately what was going on, the supervisor was unaware of what had transpired at 95<sup>th</sup> and Cottage Grove. The tape

reflects that the officers' supervisor, Sgt. Bednarek, told them that the chase should be terminated if the car is only wanted "for traffic". This terminate order is repeated by the dispatcher twice. The first time Dispatcher Conerly said to terminate the chase if the car is only wanted for a traffic infraction. The second time, however, the dispatcher told Beat 632 unconditionally to terminate the chase. Officer Daniels then acknowledged the terminate order by saying "10-4" in response to the dispatcher's relay of Sgt. Bednarek's order. She appears to have been at 90<sup>th</sup> and St. Lawrence at the time.

Beats 632 and 634, however, did not terminate the chase. They continued to pursue Smith's vehicle for another four or more minutes. During this entire time (from 90<sup>th</sup> and St. Lawrence to 64<sup>th</sup> and King), neither Beat 632 nor Beat 634 radioed anything to the dispatcher or their supervisor. There is radio silence on the tape. Conerly and Sgt. Bednarek testified they believed the chase had been terminated, as they both heard Officer Daniels' 10-4.

Officers Daniels and Williams acknowledged hearing the terminate orders, but said they understood them to be conditional, i.e., they only had force and effect if Smith was just wanted for a traffic matter. By then, Officers Daniels and Williams said Smith was wanted for attempted murder. They had not, however, communicated this notion to anyone, though the General Orders clearly required them to do so. Officer Daniels further claimed that, after 90<sup>th</sup> and St. Lawrence, she continued to call out several intersections, so the dispatcher should have known the chase was not terminated. The tape, however, does not reflect any of these post-90<sup>th</sup> and St. Lawrence transmissions. There are not even any garbled transmissions from Beat 632 during this period. Officer Wilson said he heard none of the terminate orders because of the noise inside Beat 634.

The Board relies on the contemporaneous tape to find that three separate terminate orders were given and concludes all of them should have been heard. The Board further does not believe

that Officer Daniels made several transmissions that are not reflected at all on the tape. Most importantly, however, the Board concludes the officers were in serious violation of General Order 97-3-2 when they failed to communicate any information for most of this chase and failed to communicate any of the most relevant information when there were transmissions being made. They also left their assigned district, the 6<sup>th</sup>, and entered another, the 3<sup>rd</sup>, without alerting OEC. Because these districts did not share radio zones (frequencies), police personnel of the 3<sup>rd</sup> District were left unaware of the pursuit. The notion that officers could interpret the terminate order as conditional on their own, and proceed with the chase, without ever communicating with their supervisor, is entirely unreasonable. That is confirmed here by the testimony of Sgt. Bednarek that had he been told everything that went on at 95<sup>th</sup> and Cottage Grove, i.e., been told the information that made this situation more than a traffic incident, he still would have ordered the chase terminated.

The officers' failure to obey Sgt. Bednarek's terminate order was terribly important in this case. Had the officers obeyed the order, Ms. Haggerty would be alive today.

Smith eventually stopped his vehicle at 64<sup>th</sup> and King Drive. He testified he then unlocked the door and put his hands up. Officers Williams and Carter, according to Smith, then yanked him from the car and beat him. He has pictures of bruises on his back, ear and arm. The pictures also show a scratch on his arm. He said he was treated for these injuries but offered no medical records or testimony from a treating doctor. He is supported, in part, by some civilian witnesses at the scene. Renna Patton, sitting in a car behind Smith's, said she saw one of the male officers punch Smith but then lost sight of him. She heard Smith yelling on the ground. Timisha Ramsey and Nickola Rogers claimed also to have seen a beating, but they said all three male officers were involved rather than just two, as Smith indicated. They were both on the sidewalk, opposite the



driver's side of the car. Sandra Bledsoe saw what she perceived to be a beating from a window in a building across the street. Bledsoe and Rogers, however, never mentioned the alleged beating in the statements they gave to police shortly after the incident. Officers Williams and Carter agreed they struggled with Smith, but contended they only exerted the force necessary to subdue him. The Board certainly believes that a significant, physical struggle occurred involving Smith and these two officers, but finds that the City did not prove by a preponderance that this struggle involved the use of excessive force by the officers.

Officer Daniels testified that upon arriving at 64<sup>th</sup> and King Drive, she exited her vehicle and attempted to pull Smith from his car. She was unsuccessful and Officers Carter and Williams eventually removed Smith. Daniels then turned her attention to Latanya Haggerty, who was in the front passenger seat. Daniels testified that she gave repeated verbal instructions to Ms. Haggerty to get out of the car, to show her hands and to drop the phone. Ms. Haggerty did not respond to these commands but continued to talk into a cell phone in her left hand. Daniels, with her gun out, eventually moved to a spot between the front and rear driver's side windows of the vehicle. She was looking at Ms. Haggerty through the open driver's side door. She said that, as Ms. Haggerty made a slight turn toward Daniels, Daniels saw a silver object slowly arising from the area between Ms. Haggerty's right thigh and the passenger side door. She did not see Haggerty's hand. Daniels believed the silver object was the barrel of a gun. She fired once through the rear driver's side window, and there is no dispute in the record that this shot killed Ms. Haggerty. The uncontradicted medical testimony is that the bullet entered the deltoid region of her upper left arm and passed through her body at a downward angle, piercing her left lung, heart, right lung and liver. The bullet lodged in the right side of Ms. Haggerty's chest.

Ms. Haggerty did not have a gun. A silver padlock, however, was recovered from the floor area of the passenger side of the front seat. Officer Daniels believes it must have been this padlock that was in Ms. Haggerty's right hand.

Officer Wilson testified he was proceeding around the rear of Smith's car and then up the passenger side of the vehicle, focusing on Ms. Haggerty. He was yelling to Ms. Haggerty, saying "show me your hands" and "get out of the car". When Daniels shot, Wilson was at the rear door on the passenger side of the vehicle, only a couple of inches from the car's door. He said he was trying to watch Ms. Haggerty's hands. He testified that he saw the cell phone in her left hand, but could not see her right hand, because his view was obstructed by the frame of the car. He could not say whether Ms. Haggerty was holding the padlock or not before the shot. He said, in response to a question whether Ms. Haggerty moved at all in the seconds before the shot, that she was just tilting her head, as if she were talking on the phone. She made no threatening motion toward him, and Wilson did not say that Ms. Haggerty turned toward Officer Daniels. He heard no warnings from Officer Daniels about a gun prior to the shot. Wilson pulled Ms. Haggerty's body from the car and he said something silver fell to the floor from her lap area, though a photograph shows the lock slightly under a blue bag on the floor.

There were a number of civilian witnesses to what transpired at 64<sup>th</sup> and King Drive. None of these witnesses could see Ms. Haggerty's right hand. They do not support Officer Daniels, however, on other important parts of her testimony. Lanita Gray, who was on the sidewalk near the passenger side of the vehicle, said Ms. Haggerty told the police she was getting out of the vehicle. She said Ms. Haggerty's right foot was actually outside of the car when she was shot. Nickola Rogers, who was on the other side of the street, also said Ms. Haggerty's door was slightly open and that she was turning toward the passenger door. Timisha Ramsey, who was also

on the sidewalk, said Ms. Haggerty did not turn toward Officer Daniels or make any threatening movement toward Daniels. On the other hand, Renna Patton, sitting directly behind Smith's car, said Ms. Haggerty's head was turned to the west, i.e., toward Daniels, a little. We recognize also that the location of the entry wound may indicate that Ms. Haggerty made a slight turn toward Officer Daniels. This view was articulated by the respondents' expert, Dr. Shaku Teas, whose testimony we admit into evidence. However, the location of the entry wound also demonstrates that Ms. Haggerty was, at the time she was shot, still seated in a north-south direction and was not, for example, twisted around in her seat so that her body was facing Daniels.

James Marsh, the City's expert on the use of force, testified that Officer Daniels was premature in her use of deadly force. He testified that officers in Daniels' position are trained to yell a warning to the suspect if they think they see a gun-----"drop the gun" or "don't move or I'll shoot". If the suspect then does not drop the weapon but instead makes a furtive move toward the officer, the use of lethal force may be appropriate. He also testified that if Ms. Haggerty had turned toward Officer Daniels, such a move might be regarded as furtive. He emphasized, however, that one must examine the entire context of the situation and not any individual component of the scene. In his expert and professional judgment, Officer Daniels did not have a reasonable basis for using deadly force.

General Order 86-8 says that an officer may use deadly or lethal force if he or she reasonably believes that such force is necessary to prevent the officer from suffering great bodily harm or death. It also says, however, that the use of a firearm in any case is a last resort measure. A gun may be used "only after all other reasonable means at [the officer's] disposal to effect apprehension and control of an individual have been attempted without success".

n this case, the Board concludes that, even if all of Officer Daniels' testimony is fully credited,<sup>1</sup> the use of deadly force here was not warranted because, in light of all the evidence, the Board does not find that Officer Daniels reasonably believed that deadly force was necessary. Therefore, General Order 86-8 was violated. In addition the Board concludes that Officer Daniels did not, in the words of the General Order, exhaust "all other reasonable means at [her] disposal" to control Ms. Haggerty. Officer Daniels gave no warning of what she thought she saw. She fired even though there was only a slight turn by Ms. Haggerty, the silver object was "arising" very slowly, the silver object was near Ms. Haggerty's right thigh and was not pointed at anyone, and Ms. Haggerty was talking on the phone when all of this occurred. Moreover, there was no indication during the vehicle pursuit or otherwise that Ms. Haggerty was armed or a threat to the officers. Under all of the circumstances, there was simply no threat of imminent harm from Ms. Haggerty that justified the use of deadly force.

The Board further believes that if the respondent officers had followed the Department's rules requiring communication and supervisory involvement, both in connection with motor vehicle pursuits and when they discharge their weapons, Ms. Haggerty would not have been killed. There is a direct cause and effect relationship here. Had these officers communicated what was going on, it is undisputed that the chase would have been terminated. But even if it was not terminated, there surely would have been many more officers, and much more experienced officers, on the scene at 64<sup>th</sup> and King Drive as Smith and Ms. Haggerty were being apprehended.

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<sup>1</sup> There are facts in conflict with Officer Daniels' account. Sergeant Bednarek testified that Officer Daniels told him that the shooting of Ms. Haggerty was an accident. This would be consistent with Daniels admitted cry of "oh shit" immediately after her gun went off.

In determining the propriety of Officer Daniels' conduct, we must look at everything that occurred, not just the moment immediately prior to the fatal shot.

There is nothing, however, in this record to support the notion that Officer Daniels intentionally shot Ms. Haggerty, knowing her use of lethal force was improper. We simply find that her use of lethal force was not objectively reasonable.

The four officers are also charged with not immediately summoning medical attention for Ms. Haggerty. We find there is no basis for this charge. Despite the stressful nature of what had transpired, Officer Daniels immediately sought medical attention by trying to flag down a passing private ambulance. This is corroborated by the testimony of Michael Adami, Jr., the ambulance driver. That ambulance could not stop because it had a patient onboard, but immediately radioed for help. When the ambulance could not stop, Officers Daniels and Wilson promptly radioed for medical assistance as well.

The four officers are also charged with a failure to provide complete information to Department investigators while at 64<sup>th</sup> and King Drive, including information about the shots fired at 95<sup>th</sup> and Cottage Grove as well as about the chase that preceded the fatal shooting. The Department relies upon General Order 99-01 for this charge. There is no dispute that the officers gave complete statements at Area 2, during the roundtable and subsequent investigation that the detectives and assistant state's attorneys conducted the night of the shooting. Officers Williams and Carter, as well as Officer Daniels (to some extent), said they recounted earlier the material elements of what had transpired. They are contradicted by Sgt. Bednarek, Sgt. Wilkins, Sgt. O'Donnell, and Commander Davis. The Board credits the testimony of these supervisors.

Nonetheless, we do not believe the relevant language of General Order 99-01 V (A) applies to Officer Carter, because he had not discharged his weapon.<sup>2</sup> We also believe the testimony of the supervisors that the principal investigation of a police shooting does not take place at the scene but rather at the Area headquarters, so General Order 99-01 V (A)(3) is satisfied if the officers provided complete information eventually at the Area headquarters, which certainly happened here. General Order 99-01 V (B), however, contemplates an oral report of what happened "without delay". We believe the officers did violate this part of the order in not mentioning the shooting at 95<sup>th</sup> and Cottage Grove while they were standing at 64<sup>th</sup> and King Drive.

### **III. THE BOARD'S FINDINGS ON THE SPECIFIC CHARGES FILED**

The Superintendent initiated the charges in this case on July 12, 1999. The Police Board investigated these charges and caused a hearing on these charges to be had before Thomas E. Johnson, Hearing Officer of the Police Board of the City of Chicago, on January 18, 2000, January 19, 2000, January 20, 2000, January 21, 2000, January 26, 2000 and February 3, 2000.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing, as well as all of the exhibits admitted into evidence. Thomas E. Johnson, Hearing Officer, made an oral report and conferred with the Police Board about the evidence and the credibility of the witnesses before the Board rendered its decision.

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<sup>2</sup> Inexplicably, although the pertinent provision of General Order 99-01V(A) applies only to an officer "who has discharged a weapon" and the City conceded that Officer Carter did not do so, it nonetheless charged him with violations of this General Order. Accordingly, since there was no evidence to support that claim, we find Officer Carter not guilty of that charge.

As a result of its investigation of the charges, the Police Board of the City of Chicago finds and determines that:

1. The Respondents were at all times employed as police officers by the Department of Police of the City of Chicago.

2. The charges were filed in writing and a Notice, stating the time, date and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, was served upon each Respondent more than five (5) days prior to the hearing on the charges.

3. The hearing was conducted before Thomas E. Johnson, Hearing Officer of the Police Board of the City of Chicago, on January 18-21, 2000, January 26, 2000 and February 3, 2000.

4. Throughout the hearing, Police Officers Carl Carter, Serena Daniels, Michael Williams and Stafford Wilson were present and represented by counsel.

5. The Board has reviewed all of the motions filed by the parties and the Hearing Officer's rulings on those motions. The Board agrees with the Hearing Officer and hereby adopts his rulings as the rulings of the Board. These motions consist of: Respondents' Motions for Discovery; the City's Motion for Consolidation; Respondents' Motion for Change of Venue; Respondents' Motion to Require Attendance by Police Board; Respondents' Motion to Bar Testimony of James Marsh; the City's Motion to Quash the Hillard Subpoena; Respondents' Motion to Videotape the Hearing; and the City's Motion to Bar Prior Arrests.

**Officer Carl Carter**

6. The Respondent Police Officer Carl Carter, Star No. 16352, is hereby found:

- A. Not Guilty of violating Rule 2 (Count I), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (A) (1)(a) and (e), and General Order 99-01 V (A)(3), requiring certain reports following the discharge of a weapon, by a unanimous vote;

- B. Guilty of violating Rule 2 (Count I) to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (B)(1), requiring certain reports following the discharge of a weapon, by a vote of 8-1, with Member Bobb dissenting;
- C. Guilty of violating Rule 2 (Count II), for violating a direct order to terminate a vehicle chase, by a unanimous vote;
- D. Not Guilty of violating Rule 2 (Count III), charging him with failure to immediately summon medical attention for Latanya Haggerty, by a unanimous vote;
- E. Not Guilty of violating Rule 2 (Count IV), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (A)(3) and V(B)(1), requiring certain reports following the discharge of a weapon, but he is not guilty of violating General Order 99-01 V (B) (1) only to the extent that these reports involved the details of the incidents at 64<sup>th</sup> and King Drive on June 4, 1999, by a unanimous vote;
- F. Guilty of violating Rule 2 (Count IV), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (B)(1), requiring certain reports following the discharge of a weapon, to the extent that these reports involved the details of the incidents at 95<sup>th</sup> and Cottage Grove on June 4, 1999, by a vote of 5-4, Members Bobb, Smith, Miller and Velcich dissenting;<sup>3</sup>
- G. Not Guilty of violating Rule 2 (Count V), charging him with engaging in excessive force against Raymond Smith, by a unanimous vote;
- H. Guilty of violating Rule 2 (Count VI) for giving false information in his OPS statement, when he stated that Raymond Smith used his vehicle as a weapon against these officers, by a unanimous vote;
- I. Not Guilty of violating Rule 2 (Count VII), charging him with giving false information in his OPS statement, when he stated that his radio was broken on June 4, 1999, by a unanimous vote;
- J. Not Guilty of violating Rule 6 (Count I), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (A) (1)(a) and (e), and

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<sup>3</sup> The dissenting members concluded that since this charge, as specifically alleged, requires findings of violations of this General Order as to conduct at both locations (at 95<sup>th</sup> Street and Cottage Grove and in the vicinity of 64<sup>th</sup> Street and Martin Luther King Drive), and the Board has ruled the officer not guilty of violation of this General Order with regard to conduct following the events at 64<sup>th</sup> and King Drive, it is inconsistent to find the officer guilty of this charge as brought. The dissenting members also conclude that, in deciding this charge, the majority incorrectly divided the charge into separate allegations on the basis of geographical location. This same reasoning applies to the charges set forth in Sections 6 (O), 7 (G) and (R), 8 (G) and (P) and 9 (F) and (O)



General Order 99-01 V (A)(3), requiring certain reports following the discharge of a weapon, by a unanimous vote;

- K. Guilty of violating Rule 6 (Count I) to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (B)(1), requiring certain reports following the discharge of a weapon, by a vote of 8-1, with Member Bobb dissenting;
- L. Guilty of violating Rule 6 (Count II), for violating a direct order to terminate a vehicle chase, by a unanimous vote;
- M. Not Guilty of violating Rule 6 (Count III), charging him with failure to immediately summon medical attention for Latanya Haggerty, by a unanimous vote;
- N. Not Guilty of violating Rule 6 (Count IV), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (A)(3) and V (B)(1), requiring certain reports following the discharge of a weapon, but he is not guilty of violating General Order 99-01 V (B) (1) only to the extent that these reports involved the details of the incidents at 64<sup>th</sup> and King Drive on June 4, 1999, by a unanimous vote;
- O. Guilty of violating Rule 2 (Count IV), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (B)(1), requiring certain reports following the discharge of a weapon, to the extent that these reports involved the details of the incidents at 95<sup>th</sup> and Cottage Grove on June 4, 1999, by a vote of 5-4, Members Bobb, Smith, Miller and Velcich dissenting;
- P. Not Guilty of violating Rule 8, charging him with engaging in excessive force against Raymond Smith, by a unanimous vote;
- Q. Guilty of violating Rule 14 (Count I) for giving false information in his OPS statement, when he stated that Raymond Smith used his vehicle as a weapon against these officers, by a unanimous vote; and
- R. Not Guilty of violating Rule 14 (Count II), charging him with giving false information in his OPS statement, when he stated that his radio was broken on June 4, 1999, by a unanimous vote.

**Officer Serena Daniels**

7. The Respondent Police Officer Serena Daniels, Star No. 11341, is hereby found:

- A. Guilty of violating Rule 2 (Count I), to the extent that it charges her with failure to adhere to the provisions of General Order 99-01 V (A) (1)(a) and General Order 99-01 V (B)(1), requiring certain reports following the discharge of a weapon, by a unanimous vote, except that Member Bobb dissents from the finding on General Order 99-01 V (B)(1);
- B. Not Guilty of violating Rule 2 (Count I), to the extent that it charges her with failure to adhere to the provisions of General Order 99-01 V (A) (1)(e) and General Order 99-01 V (A)(3), requiring certain reports following the discharge of a weapon, by a unanimous vote, except that Members Apelbaum, Davis, Carney and Gonzalez dissent from the finding on General Order 99-01 V(A)(1)(e);
- C. Guilty of violating Rule 2 (Count II), for violating a direct order to terminate a vehicle chase, by a unanimous vote;
- D. Guilty of violating Rule 2 (Count III), for failing to adhere to the provisions of General Order 86-8 IV (E), when she fired her weapon without justification at a fleeing vehicle, by a unanimous vote;
- E. Guilty of violating Rule 2 (Count IV), for failing to adhere to the provisions of General Order 86-8 III (A)(1-3) and (B), when she shot Latanya Haggerty without justification, by a unanimous vote;
- F. Not Guilty of violating Rule 2 (Count V), charging her with failure to immediately summon medical attention for Latanya Haggerty, by a vote of 7-2, Members Apelbaum and Carney dissenting;
- G. Guilty of violating Rule 2 (Count VI), to the extent it charges her with failing to adhere to the provisions of General Order 99-01 V (A)(3) and V(B)(1), requiring certain reports following the discharge of a weapon but only to the extent that these reports involved the incidents that occurred at 95<sup>th</sup> and Cottage Grove on June 4, 1999 by a vote of 5-4, Members Bobb, Smith, Miller and Velcich dissenting;
- H. Not Guilty of violating Rule 2 (Count VI), to the extent it charges her with failing to adhere to the provisions of General Order 99-01 V (A)(3) and V(B)(1), requiring certain reports following the discharge of a weapon but only to the extent that these reports involved the incidents that occurred at 64<sup>th</sup> and King Drive on June 4, 1999 by a unanimous vote;

- I. Not Guilty of violating Rule 2 (Count VII), charging her with failure to answer questions regarding the shooting of Latanya Haggerty, after being ordered to do so by a superior officer by a unanimous vote;
- J. Guilty of violating Rule 2 (Count VIII), for firing her weapon without justification at a fleeing vehicle, thereby unlawfully or unnecessarily using or displaying her weapon by a unanimous vote;
- K. Guilty of violating Rule 2 (Count IX), for shooting Latanya Haggerty without justification resulting in a fatal gunshot wound by a unanimous vote;
- L. Guilty of violating Rule 6 (Count I), to the extent that it charges her with failure to adhere to the provisions of General Order 99-01 V (A) (1)(a) and General Order 99-01 V (B)(1), requiring certain reports following the discharge of a weapon, by a unanimous vote, except that Member Bobb dissents from the finding on General Order 99-01 V (B)(1);
- M. Not Guilty of violating Rule 6 (Count I), to the extent that it charges her with failure to adhere to the provisions of General Order 99-01 V (A) (1)(e) and General Order 99-01 V (A)(3), requiring certain reports following the discharge of a weapon, by a unanimous vote, except that Members Apelbaum, Davis, Carney and Gonzalez dissent from the finding on General Order 99-01 V(A)(1)(e);
- N. Guilty of violating Rule 6 (Count II), for violating a direct order to terminate a vehicle chase, by a unanimous vote;
- O. Guilty of violating Rule 6 (Count III), for failing to adhere to the provisions of General Order 86-8 IV (E), when she fired her weapon without justification at a fleeing vehicle, by a unanimous vote;
- P. Guilty of violating Rule 6 (Count IV), for failing to adhere to the provisions of General Order 86-8 III (A)(1-3) and (B), when she shot Latanya Haggerty without justification, by a unanimous vote;
- Q. Not Guilty of violating Rule 6 (Count V), charging her with failure to immediately summon medical attention for Latanya Haggerty, by a vote of 7-2, Members Apelbaum and Carney dissenting;
- R. Guilty of violating Rule 6 (Count VI), to the extent it charges her with failing to adhere to the provisions of General Order 99-01 V (A)(3) and V(B)(1), requiring certain reports following the discharge of a weapon but only to the extent that these reports involved the incidents that occurred at 95<sup>th</sup> and Cottage Grove on June 4, 1999 by a vote of 5-4, Members Bobb, Smith, Miller and Velcich dissenting;

- S. Not Guilty of violating Rule 6 (Count VI), to the extent it charges her with failing to adhere to the provisions of General Order 99-01 V (A)(3) and V(B)(1), requiring certain reports following the discharge of a weapon but only to the extent that these reports involved the incidents that occurred at 64<sup>th</sup> and King Drive on June 4, 1999 by a unanimous vote;
- T. Not Guilty of violating Rule 6 (Count VII), charging her with failure to answer questions regarding the shooting of Latanya Haggerty, after being ordered to do so by a superior officer by a unanimous vote;
- U. Guilty of violating Rule 38 (Count I), for firing her weapon without justification at a fleeing vehicle by a unanimous vote; and
- V. Guilty of violating Rule 38 (Count II), for shooting Latanya Haggerty without justification resulting in a fatal gunshot wound by a unanimous vote.

**Officer Michael Williams**

8. The Respondent Police Officer Michael Williams, Star No. 12379, is hereby found:

- A. Guilty of violating Rule 2 (Count I), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (A) (1)(a) and General Order 99-01 V (B)(1), requiring certain reports following the discharge of a weapon, by a unanimous vote, except that Member Bobb dissents from the finding on General Order 99-01 V (B)(1);
- B. Not Guilty of violating Rule 2 (Count I), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (A) (1)(e) and General Order 99-01 V (A)(3), requiring certain reports following the discharge of a weapon, by a unanimous vote, except that Members Apelbaum, Davis, Carney and Gonzalez dissent from the finding on General Order 99-01 V(A)(1)(e);
- C. Guilty of violating Rule 2 (Count II), for violating a direct order to terminate a vehicle chase, by a unanimous vote;
- D. Not Guilty of violating Rule 2 (Count III), charging him with engaging in excessive force against Raymond Smith, by a unanimous vote;
- E. Not Guilty of violating Rule 2 (Count IV), charging him with failure to immediately summon medical attention for Latanya Haggerty, by a unanimous vote;
- F. Guilty of violating Rule 2 (Count V), for failing to adhere to the provisions of General Order 86-8 IV (E), when he fired his weapon without justification at a fleeing vehicle, by a unanimous vote;

- G. Guilty of violating Rule 2 (Count VI), to the extent it charges him with failing to adhere to the provisions of General Order 99-01 V (A)(3) and V(B)(1), requiring certain reports following the discharge of a weapon but only to the extent that these reports involved the incidents that occurred at 95<sup>th</sup> and Cottage Grove on June 4, 1999 by a vote of 5-4, Members Bobb, Smith, Miller and Velcich dissenting;
- H. Not Guilty of violating Rule 2 (Count VI), to the extent it charges him with failing to adhere to the provisions of General Order 99-01 V (A)(3) and V(B)(1), requiring certain reports following the discharge of a weapon but only to the extent that these reports involved the incidents that occurred at 64<sup>th</sup> and King Drive on June 4, 1999 by a unanimous vote;
- I. Guilty of violating Rule 2 (Count VII) for giving false information in his OPS statement, when he stated that Raymond Smith used his vehicle as a weapon against these officers, by a unanimous vote;
- J. Guilty of violating Rule 2 (Count VIII), when he fired his weapon without justification at a fleeing vehicle, by a unanimous vote;
- K. Guilty of violating Rule 6 (Count I), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (A) (1)(a) and General Order 99-01 V (B)(1), requiring certain reports following the discharge of a weapon, by a unanimous vote, except that Member Bobb dissents from the finding on General Order 99-01 V (B)(1);
- L. Not Guilty of violating Rule 6 (Count I), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (A) (1)(e) and General Order 99-01 V (A)(3), requiring certain reports following the discharge of a weapon, by a unanimous vote, except that Members Apelbaum, Davis, Carney and Gonzalez dissent from the finding on General Order 99-01 V(A)(1)(e);
- M. Guilty of violating Rule 6 (Count II), for violating a direct order to terminate a vehicle chase, by a unanimous vote;
- N. Not Guilty of violating Rule 6 (Count III), charging him with failure to immediately summon medical attention for Latanya Haggerty, by a unanimous vote;
- O. Guilty of violating Rule 6 (Count IV), for failing to adhere to the provisions of General Order 86-8 IV (E), when he fired his weapon without justification at a fleeing vehicle, by a unanimous vote;

- P. Guilty of violating Rule 6 (Count V), to the extent it charges him with failing to adhere to the provisions of General Order 99-01 V (A)(3) and V(B)(1), requiring certain reports following the discharge of a weapon but only to the extent that these reports involved the incidents that occurred at 95<sup>th</sup> and Cottage Grove on June 4, 1999 by a vote of 5-4, Members Bobb, Smith, Miller and Velcich dissenting;
- Q. Not Guilty of violating Rule 6 (Count V), to the extent it charges him with failing to adhere to the provisions of General Order 99-01 V (A)(3) and V(B)(1), requiring certain reports following the discharge of a weapon but only to the extent that these reports involved the incidents that occurred at 64<sup>th</sup> and King Drive on June 4, 1999 by a unanimous vote;
- R. Not Guilty of violating Rule 8, charging him with engaging in excessive force against Raymond Smith, by a unanimous vote;
- S. Guilty of violating Rule 14, for giving false information in his OPS statement, when he stated that Raymond Smith used his vehicle as a weapon against these officers, by a unanimous vote; and
- T. Guilty of violating Rule 38, when he fired his weapon without justification at a fleeing vehicle, by a unanimous vote.

**Officer Stafford Wilson**

9. The Respondent Police Officer Stafford Wilson, Star No. 09227, is hereby found:

- A. Guilty of violating Rule 2 (Count I), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (A) (1)(a) and General Order 99-01 V (B)(1), requiring certain reports following the discharge of a weapon, by a unanimous vote, except that Member Bobb dissents from the finding on General Order 99-01 V (B)(1);
- B. Not Guilty of violating Rule 2 (Count I), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (A) (1)(e) and General Order 99-01 V (A)(3), requiring certain reports following the discharge of a weapon, by a unanimous vote, except that Members Apelbaum, Davis, Carney and Gonzalez dissent from the finding on General Order 99-01 V(A)(1)(e);
- C. Guilty of violating Rule 2 (Count II), for violating a direct order to terminate a vehicle chase, by a unanimous vote;
- D. Not Guilty of violating Rule 2 (Count III), charging him with failure to immediately summon medical attention for Latanya Haggerty, by a unanimous vote;

- E. Guilty of violating Rule 2 (Count IV), for failing to adhere to the provisions of General Order 86-8 IV (E), when he fired his weapon without justification at a fleeing vehicle, by a unanimous vote;
- F. Guilty of violating Rule 2 (Count V), to the extent it charges him with failing to adhere to the provisions of General Order 99-01 V (A)(3) and V(B)(1), requiring certain reports following the discharge of a weapon but only to the extent that these reports involved the incidents that occurred at 95<sup>th</sup> and Cottage Grove on June 4, 1999 by a vote of 5-4, Members Bobb, Smith, Miller and Velcich dissenting;
- G. Not Guilty of violating Rule 2 (Count V), to the extent it charges him with failing to adhere to the provisions of General Order 99-01 V (A)(3) and V(B)(1), requiring certain reports following the discharge of a weapon but only to the extent that these reports involved the incidents that occurred at 64<sup>th</sup> and King Drive on June 4, 1999 by a unanimous vote;
- H. Guilty of violating Rule 2 (Count VI) for giving false information in his OPS statement, when he stated that Raymond Smith used his vehicle as a weapon against these officers, by a unanimous vote;
- I. Guilty of violating Rule 2 (Count VII), when he fired his weapon without justification at a fleeing vehicle, by a unanimous vote;
- J. Guilty of violating Rule 6 (Count I), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (A) (1)(a) and General Order 99-01 V (B)(1), requiring certain reports following the discharge of a weapon, by a unanimous vote, except that Member Bobb dissents from the finding on General Order 99-01 V (B)(1);
- K. Not Guilty of violating Rule 6 (Count I), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (A) (1)(e) and General Order 99-01 V (A)(3), requiring certain reports following the discharge of a weapon, by a unanimous vote, except that Members Apelbaum, Davis, Carney and Gonzalez dissent from the finding on General Order 99-01 V(A)(1)(e);
- L. Guilty of violating Rule 6 (Count II), for violating a direct order to terminate a vehicle chase, by a unanimous vote;
- M. Not Guilty of violating Rule 6 (Count III), charging him with failure to immediately summon medical attention for Latanya Haggerty, by a unanimous vote;

- N. Guilty of violating Rule 6 (Count IV), for failing to adhere to the provisions of General Order 86-8 IV (E), when he fired his weapon without justification at a fleeing vehicle, by a unanimous vote;
- O. Guilty of violating Rule 6 (Count V), to the extent it charges him with failing to adhere to the provisions of General Order 99-01 V (A)(3) and V(B)(1), requiring certain reports following the discharge of a weapon but only to the extent that these reports involved the incidents that occurred at 95<sup>th</sup> and Cottage Grove on June 4, 1999 by a vote of 5-4, Members Bobb, Smith, Miller and Velcich dissenting;
- P. Not Guilty of violating Rule 6 (Count V), to the extent it charges him with failing to adhere to the provisions of General Order 99-01 V (A)(3) and V(B)(1), requiring certain reports following the discharge of a weapon but only to the extent that these reports involved the incidents that occurred at 64<sup>th</sup> and King Drive on June 4, 1999 by a unanimous vote;
- Q. Guilty of violating Rule 14, for giving false information in his OPS statement, when he stated that Raymond Smith used his vehicle as a weapon against these officers, by a unanimous vote; and
- R. Guilty of violating Rule 38, when he fired his weapon without justification at a fleeing vehicle, by a unanimous vote.

#### IV. THE PENALTIES TO BE IMPOSED

BASED ON THE FOREGOING DECISION AND FINDINGS AND A FULL REVIEW OF THE RESPONDENTS' COMPLIMENTARY AND DISCIPLINARY RECORDS ATTACHED HERETO, IT IS HEREBY ORDERED THAT:

1. The Respondent Police Officer Carl Carter, Star No. 16352, as a result of being found guilty of certain charges in Police Board Case No. 99-2384, be and hereby is suspended from his position as a police officer within the Chicago Police Department from July 13, 1999 to and including July 12, 2000. Because Officer Carter did not discharge his weapon, either at 95<sup>th</sup> and Cottage Grove or 64<sup>th</sup> and King, his culpability is less than that of the other respondents. However, his violation of the rules by, among other things, failing to ensure that supervisors were



aware that shots had been fired and failing to terminate the chase despite instructions to do so, necessitates a serious suspension.

2. The Respondent Police Officer Serena Daniels, Star No. 11341, as a result of being found guilty of certain charges in Police Board Case No. 99-2385, be and hereby is separated and discharged from her position as a police officer within the Chicago Police Department. Given Officer Daniels' unjustified use of deadly force at both 95<sup>th</sup> and Cottage Grove and 64<sup>th</sup> and King, and her other serious rule violations, the Board has no choice but to separate her.

3. The Respondent Police Officer Michael Williams, Star No. 12379, as a result of being found guilty of certain charges in Police Board Case No. 99-2386, be and hereby is separated and discharged from his position as a police officer within the Chicago Police Department, with Members Bobb, Velcich and Smith dissenting and voting to suspend only. Officer Williams unjustified use of deadly force by discharging his weapon at 95<sup>th</sup> and Cottage Grove, along with his other violations of the rules by, among, other things, disobeying the order to terminate the chase and failing to communicate to supervisors that weapons had been discharged, requires the Board to separate him from the Police force.

4. The Respondent Police Officer Stafford Wilson, Star No. 09227, as a result of being found guilty of certain charges in Police Board Case No. 99-2387, be and hereby is separated and discharged from his position as a police officer within the Chicago Police Department, with Members Bobb, Velcich, Smith and Kirkling dissenting and voting to suspend only. Officer Wilson, like Officer Williams, must be separated because of his improper use of deadly force at 95<sup>th</sup> and Cottage Grove and his other serious violations of the rules.

DATED AT CHICAGO, ILLINOIS, COUNTY OF COOK, STATE OF ILLINOIS, THIS  
17<sup>th</sup> DAY OF MARCH, 2000, A.D.

*Memorandum*  
*Scott Davis*  
*Phyllis Apfelbaum*  
*Patricia C. Boyle*  
*Robert L. Miller*  
*John J. Smith*  
*John J. Smith*  
*William C. Hawthorne*  
*Orlando*  
*Malik*

Executive Director of the Police Board

*He. J.*

Hearing Officer

RECEIVED A COPY OF THE FOREGOING  
COMMUNICATION THIS \_\_\_\_ DAY OF  
MARCH, 2000

\_\_\_\_\_  
Superintendent of Police

INTERNAL AFFAIRS DIVISION  
RECORDS SECTION

29 June 1999

TO: COMMANDING OFFICER OF UNIT 113

FROM: RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

NAME CARTER (LAST, FIRST, M.I.) 16352 006 UNIT

SEX M B RACE S.S.N.

REFERENCE: COMPLAINT REGISTER NUMBER(S) 254-121

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

SUPV. FAKUADE 111 113  
RANK NAME STAR S.S.N. UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCED COMPLAINT REGISTER NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE FOLLOWING DISCIPLINARY ACTION(S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE PAST FIVE (5) YEARS.

VERIFIED/PREPARED BY:

SEE

PATRICIA JOHNSON

FOR: COMMANDING OFFICER  
RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

4172 PREVIOUS DISCIPLINARY ACTION SUMMARY - FUNCTION DPPV  
NO MORE CLOSED - SUSTAINED OR (PAST 5 YEARS) OR SP'S (PAST 1 YEAR)  
ICN [REDACTED] NAME: LAST CARTER FIRST CARL MI M STAR 16352  
UNIT 006 EMP NO 307574 SEX M DOB 16 SEP 62 DATE APPTD 04 NOV 96  
RANK 9101 POLICE OFFICER  
INCIDENT DISCIPLINARY DATES SUSPENDED OR WORKED OPTN/TO  
CASE NO DATE ACTION TAKEN (FROM - TO) GRNT'D

1238210 07 JUL 97 1 DAY SUSPENSION 05 AUG 98 - 05 AUG 98  
F/CAT: OPERATION/PERSONNEL VIOLATION NEGLECT OF DUTY / CONDUCT UNBECOMING  
LESS SER TRAN:  
COMMENTS STATUS CLO.

F/CAT:  
LESS SER TRAN:  
COMMENTS STATUS

F/CAT:  
LESS SER TRAN:  
COMMENTS STATUS

FOR USE IN UNIT 05412 JMT

CHICAGO POLICE DEPARTMENT  
COMPLIMENTARY HISTORY

DATE: 29 June 1999

NAME: Carter, Carl RANK PO SSN [REDACTED] STAR 16352 UNIT 006

SPECIAL AWARDS Fitness Award 01/98

DEPARTMENT  
COMMENDATIONS: 000

HONORABLE  
MENTIONS: 002

COMPLIMENTARY  
LETTERS: 000

Complimentary History Requested By:

NAME Fakuade, Joseph RANK Supv STAR 111 UNIT: 113

CR#: 254121

Completed By: Demetra Berry

PERSONNEL SERVICES



JUN 30 1999



CHICAGO POLICE DEPARTMENT

Personnel Division  
Records Section-Rm 803  
Pax 0342 - Bell 747-5549

INTERNAL AFFAIRS DIVISION  
RECORDS SECTION

29 June 1999

TO: COMMANDING OFFICER OF UNIT 113

FROM: RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

NAME DANIEL G. GERENA 11341 006 UNIT  
(LAST, FIRST, M.I.) STAR

SEX F B RACE [REDACTED] S.S.N. [REDACTED]

REFERENCE: COMPLAINT REGISTER NUMBER(S) 254 121

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

SUPV. FAKUADE J 113 113  
RANK NAME STAR S.S.N. UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCED COMPLAINT REGISTER NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE FOLLOWING DISCIPLINARY ACTION(S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE PAST FIVE (5) YEARS.

VERIFIED/PREPARED BY:

NONE

PATRICIA JOHNSON

FOR: COMMANDING OFFICER  
RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

CHICAGO POLICE DEPARTMENT  
COMPLIMENTARY HISTORY

DATE: 29 June 1999

NAME: Daniels, Serena RANK PO SSN [REDACTED] STAR 11341 UNIT 006

SPECIAL AWARDS

000

DEPARTMENT

COMMENDATIONS:

000

HONORABLE

MENTIONS:

000

COMPLIMENTARY

LETTERS:

000

Complimentary History Requested By:

NAME Fakuade, Joseph RANK Supv STAR 111 UNIT: 113

CR#: 254121

Completed By: Demetra Berry

PERSONNEL SERVICES



JUN 29 1999



CHICAGO POLICE DEPARTMENT

Personnel Division

Records Section-Rm 803

Pax 0342 - Bell 747-5549

INTERNAL AFFAIRS DIVISION  
RECORDS SECTION

29 June 1999

TO:

~~COMMANDING OFFICER OF UNIT 113~~

FROM:

RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

SUBJECT:

PREVIOUS DISCIPLINARY RECORD OF:

NAME ~~WILSON~~ ~~STEFFORD~~ ~~0227~~ ~~006~~ UNIT  
(LAST, FIRST, M.I.) STAR

SEX ~~M~~ ~~B~~ RACE ~~S.S.N.~~

REFERENCE:

COMPLAINT REGISTER NUMBER(S) 254 121

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

SUPV. FAKUADE J ~~111~~ ~~113~~  
RANK NAME STAR S.S.N. UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCED COMPLAINT REGISTER NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE FOLLOWING DISCIPLINARY ACTION(S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE PAST FIVE (5) YEARS.

VERIFIED/PREPARED BY:

NONE

PATRICIA JOHNSON

FOR: COMMANDING OFFICER  
RECORDS SECTION  
INTERNAL AFFAIRS DIVISION



CHICAGO POLICE DEPARTMENT  
COMPLIMENTARY HISTORY

DATE: 29 June 1999

NAME: Wilson, Stafford RANK PO SSN [REDACTED] STAR 9227 UNIT 006

SPECIAL AWARDS

000

DEPARTMENT

COMMENDATIONS:

000

HONORABLE

MENTIONS:

000

COMPLIMENTARY

LETTERS:

000

Complimentary History Requested By:

NAME Fakuade, Joseph RANK Supv STAR 111 UNIT: 113

CR#: 254121

Completed By: Demetra Berry

PERSONNEL SERVICES



1999



CHICAGO POLICE DEPARTMENT

Personnel Division

Records Section-Rm 803

Pax 0342 - Bell 747-5549

INTERNAL AFFAIRS DIVISION  
RECORDS SECTION

29 June 1999

TO: COMMANDING OFFICER OF UNIT 113

FROM: RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

NAME WILLIAMS, MICHAEL 12379 006 UNIT  
(LAST, FIRST, M.I.) STAR

SEX M B RACE [REDACTED] S.S.N. [REDACTED]

REFERENCE: COMPLAINT REGISTER NUMBER(S) 254 121

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

SUPV. FAKUADE J 111 [REDACTED] 113  
RANK NAME STAR S.S.N. UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCED COMPLAINT REGISTER NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE FOLLOWING DISCIPLINARY ACTION(S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE PAST FIVE (5) YEARS.

VERIFIED/PREPARED BY:

SEE

PATRICIA JOHNSON

FOR: COMMANDING OFFICER  
RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

CHICAGO POLICE DEPARTMENT  
COMPLIMENTARY HISTORY

DATE: 29 June 1999

NAME: Williams, Michael RANK PO SSN [REDACTED] STAR 12379 UNIT 006

SPECIAL AWARDS

000

DEPARTMENT

COMMENDATIONS:

000

HONORABLE

MENTIONS:

004

COMPLIMENTARY

LETTERS:

001

Complimentary History Requested By:

NAME Fakuade, Joseph RANK Supv STAR 111 UNIT: 113

CR#: 254121

Completed By: Demetra Berry

PERSONNEL SERVICES



June 29 1999



CHICAGO POLICE DEPARTMENT

Personnel Division

Records Section-Rm 803

Pax 0342 - Bell 747-5549

DATE PREVIOUS DISCIPLINARY ACTION SUMMARY FUNCTION DPPV  
NO MORE CLOSED - SUSTAINED CR'S (PAST 5 YEARS) OR SP'S (PAST 1 YEAR)  
SEN. [REDACTED] NAME: LAST WILLIAMS FIRST MICHAEL MI A STAR 12379  
UNIT 996 EMP NO 308546 SEX M RACE N DOB 26 SEP 62 DATE APPTD 04 AUG 97  
RANK 9161 POLICE OFFICER

INCIDENT	DISCIPLINARY	DATES SUSPENDED OR WORKED	OPTN/ID
CASE NO	DATE	ACTION TAKEN	(FROM TO) GRNT'D

8990825 02 MAR 99 REPRIMAND

F/CAT:

LESS SER TRAN: FAIL TO APPEAR IN CT OR NOT. SUPVR OF INABILIT  
COMMENTS FAIL TO APPEAR IN COURT

STATUS CLO

F/CAT:

LESS SER TRAN:  
COMMENTS

STATUS

F/CAT:

LESS SER TRAN:  
COMMENTS

STATUS

RECEIVED  
INVESTIGATIVE  
SECTION  
2512  
ONLY

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED	)	
AGAINST POLICE OFFICER MICHAEL W.	)	Case No. 99-2386
WILLIAMS, STAR NO. 12379	)	CR #254121

FINDINGS AND DECISION ON REMAND

I. PROCEDURAL HISTORY

The Superintendent initiated the charges in this case on July 12, 1999. The Respondent, Police Officer Michael W. Williams, along with three other officers (Carl Carter, Serena Daniels and Stafford Wilson) were all charged with a series of rule violations arising out of an incident that occurred on June 4, 1999. The Police Board investigated these charges and caused a hearing to be held before Thomas E. Johnson, Hearing Officer of the Police Board of the City of Chicago, on January 18, 19, 20, 21 and 26, 2000, and on February 3, 2000.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing, as well as all of the exhibits admitted into evidence. Thomas E. Johnson, Hearing Officer, made an oral report and conferred with the Police Board about the evidence and the credibility of the witnesses before the Board rendered its decision. The Board then issued its written Findings and Decision on March 17, 2000. In its original Findings and Decision, the Board determined that Police Officer Michael Williams was guilty of certain charges and not guilty of others, and then ordered his discharge from the Chicago police force.

The four officers, including Police Officer Michael Williams, then sought administrative review of the Police Board's decision in the Circuit Court of Cook County. On June 5, 2001, Circuit Court Judge Aaron Jaffe vacated and remanded the Board's decision in Officer Williams' case, holding that he was entitled to a hearing separate from the other three officers.

On remand, the Police Board convened a hearing de novo, solely for Officer Williams, to be heard by Thomas E. Johnson, Hearing Officer of the Police Board. Mr. Johnson held the hearing on October 24 and 25, 2002, November 13, 2002, December 13, 2002, January 7 and 21, 2003. Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing, as well as all of the exhibits admitted into evidence, and viewed the videotape of the testimony taken. Thomas E. Johnson, Hearing Officer, made an oral report and conferred with the Police Board about the evidence and the credibility of the witnesses before the Board rendered its decision.

As a result of its investigation of the charges, the Police Board of the City of Chicago finds and determines that:

1. The Respondent, Police Officer, Michael W. Williams, Star No. 12379, was at all times employed as a police officer by the Department of Police of the City of Chicago;
2. The charges were filed in writing and a Notice, stating the time, date and place, when and where a hearing of the charges

was to be held, together with a copy of the original charges, was served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. The hearing was conducted before Thomas E. Johnson, Hearing Officer of the Police Board of the City of Chicago, on the dates set forth above;

4. Throughout the hearing, Police Officer Michael W. Williams was present and represented by counsel.

5. The Board has reviewed all of the motions filed by the parties and the Hearing Officer's rulings on those motions. The Board agrees with the Hearing Officer and hereby adopts his rulings as the rulings of the Board. These motions consist of: the Superintendent's Motion to Admit Prior Testimony; Respondent's Motion to Bar the Testimony of Lt. Tom Kurowski or for Alternative Relief; and Respondent's Motion for a Recusal of Police Board Members and for a Change of Venue.

## **II. THE BOARD'S DECISION ON THE WILLIAMS CASE**

On June 4, 1999, Raymond Smith picked up Latanya Haggerty at her job, located on the 300 block of South Michigan Avenue. They drove through the South Side. At about 5:00 PM, Smith stopped his car in traffic at 88th or 89th and South Cottage Grove to talk to a friend of his. Beat 632 (with Officer Michael Williams driving and Officer Serena Daniels in the passenger seat) asked Smith for his license and insurance. While there is a dispute as to what Officer Williams and Smith said and did, there is no dispute that

Smith pulled forward without producing his license or insurance. Officer Williams ran Smith's plates and found that they were not registered to the vehicle that Smith was driving.

Beat 632 then stopped Smith again about one block south on Cottage Grove. Again, Williams asked Smith for his license and insurance; it is undisputed that Smith drove off again without producing this paperwork. After carefully reviewing the testimony of Officer Williams and Smith, the Board concludes that Smith fled from the police because he did not want to be apprehended. Smith was in possession of marijuana when the stops occurred. He was on bond following an arrest for felony possession of marijuana with intent to distribute, which had occurred less than a month before. A condition of his bond was that he not commit any further criminal acts. To compound his problems, it was established at the hearing that Smith was driving on a suspended license. Two weeks earlier, he had been placed on supervision for driving on a suspended license. A condition of supervision was that he could not commit any further criminal acts. On June 4, 1999, Smith was in the process of committing two crimes: his possession of marijuana and his continued use of a vehicle without a valid driver's license. In light of all of this, the Board finds that Officer Williams and his partner acted properly in stopping and attempting to detain Smith.

The various charges leveled against Officer Williams do not pertain to these original stops. Rather, they focus on: 1)



whether Williams violated a direct order when he continued to chase Smith, after his supervisor (Sgt. Bednarek) told him to stop; 2) whether Officer Williams fired his weapon without justification at 95th and Cottage Grove, when Smith refused to stop his car, and further whether Williams lied in saying that Smith tried to run down Williams at 95th and Cottage Grove; and 3) whether Officer Williams did not report the discharge of his weapon promptly----specifically, until he was at Area 2 and the investigation was well underway. As such, our decision will focus on these three sets of issues.

Officer Williams is charged with other violations; however, the Superintendent was clear that he was not offering evidence to support these other rule violations, as the Board had previously found Officer Williams not guilty of these charges. In particular, the City has abandoned the following allegations: that Williams violated Rule 2 (Count III), Rule 2 (Count IV), Rule 6 (Count III) and Rule 8, see pages 880-884 of the transcript. These are claims that Officer Williams engaged in excessive force against Raymond Smith, when he ultimately was arrested at 64th and King Dr., and that Williams did not promptly summon medical attention for Ms. Haggerty, after she was shot. As such, the Police Board finds again that Officer Williams is not guilty of these charges.

**Officer Williams Ignored A Direct Order to Terminate His Chase**

The evidence in this case is that Officer Williams pursued

Smith for about 15 blocks from the site of his second stop, without ever radioing in what was going on. He pursued Smith for 33 blocks (to 95th and Cottage Grove) without ever acknowledging he was engaged in a chase. Indeed, his partner specifically denied that any chase was in progress, when queried by the dispatcher. During the hearing, however, at p. 1143, Officer Williams admits that, in fact, this was a chase governed by General Order 97-3-2, beginning right after Smith first pulled away from the officers at 88th or 89th and Cottage Grove.

Officer Williams says he did not radio in this chase because it was Officer Daniels' responsibility to do so, as the passenger in the car. He then says that Officer Daniels did make radio reports of the chase, as early as when Smith and the officers were traveling westbound on 95th Street, but these transmissions were not picked up by the OEC tape. Finally, he contends that he thought Smith was going to stop, as he repeatedly slowed or pulled to the side, and there was no need to report.

The problem for Officer Williams is the text of General Order 97-3-2. It does not place responsibility solely on the passenger officer to report. Nor does it create an exception, if it looks like the car being chased will stop. That is just part of the information to be communicated. As for Daniels' unrecorded transmissions, Williams' testimony is uncorroborated. Daniels did not testify at the hearing and Officer Wilson does not claim to have heard such transmissions. The supposed Daniels'

transmissions were also not heard by the dispatcher and do not appear on the tape. The Board therefore finds that these transmissions did not occur.

Officer Williams chased Smith all the way to 95th and Cottage Grove, where he and two other officers fired their weapons at Smith. Smith escaped and the chase continued to 64th and King Dr.-----a distance of at least 30 more blocks, which took an additional five to six minutes. Initially, Officer Daniels called out intersections she was passing, but from 90th and St. Lawrence to 64th and King Dr., there was radio silence from Officer Williams and the other officers involved in the chase.

During this period, Sgt. Bednarek said on the air that if the chase was for traffic, it should be terminated. The dispatcher (Luther Conerly) repeats this once. A short time later, the dispatcher tells Officer Williams to terminate the chase, without any qualification. In response to this last direction, Officer Daniels, sitting beside Officer Williams, radios back "10-4", i.e. acknowledged the dispatcher's direction. Nonetheless, the chase continued for many blocks and ended in the needless death of Latanya Haggerty. There are thus three separate orders to terminate the chase, all of which are not only ignored but the last of which is positively acknowledged.

Officer Williams claims that Officer Daniels had the sole responsibility to communicate with OEC regarding the chase and any terminate order, but that is not how he was trained and it is

not what General Order 97-3-2 says. Officer Williams then says that Officer Daniels reported "shots fired" while they were at 95th and Cottage, and further made other transmissions during the chase that were not picked up on the OEC tape. Given her report of "shots fired", Officer Williams contends the chase was not merely for a traffic infraction and therefore could be pursued. Officer Williams obtains some support from Sgt. Bednarek on this point, as Sgt. Bednarek testified that at least one of his transmissions was not picked up on the OEC tape and further testified that during the chase, there was an "open key" in the radio zone, i.e. some officer's transmit key was depressed inadvertently and interfered with communication.

The Board has given careful consideration to the potential problems with communication during the chase. It concludes, however, based on the weight of the evidence, that Officer Williams did not honor the order to terminate the chase and violated General Order 97-3-2 during the chase. This is true for several reasons:

First, even if some of Officer Daniels' communications were cut off, e.g. that shots were fired at the police and they were chasing a person wanted for attempt murder, it is apparent from the dispatcher and Sgt. Bednarek's transmissions that they do not understand this to be the case. Indeed, Officer Daniels 10-4'd the unqualified terminate order. Any reasonable supervisor would have concluded, as Sgt. Bednarek did here, that the chase was

over. Moreover, no other officers went onto the radio to say that the situation was more serious than the supervisor understood. In these circumstances, it was incumbent on Officer Williams to provide more information, to make sure his situation was adequately communicated. The evidence shows that Officer Williams made no attempt whatsoever to keep his supervisor informed of the situation, as it developed, as Department policy requires. Rather, according to both parties' transcription of the tape, and the testimony of Sgt. Bednarek and Luther Conerly, the chase continued with long periods of silence from Officer Williams and his partner.

Second, Sgt. Bednarek testified that his communication was not heard because Officer Daniels must have been talking over him. If this is the reason for missing communications from Officer Williams and Officer Daniels, not much could have been missed. The dispatcher had cleared the air once he began communicating with Beat 632. Other officers did not come on the radio. Only the dispatcher, Sgt. Bednarek and Beat 632 were speaking on the air. During most of the chase, there is nothing but silence on the air.

Third, Luther Conerly, whom the Board found to be very credible, testified that he was aware that radio communication can be imperfect but that in 27 years, he had not ever missed an important radio transmission. Thus, the communication problem that Officer Williams described could not have been very

substantial.

Fourth, General Order 97-3-2 provides on page 3, par. 4(a) that if radio communication with OEC is lost, the pursuit must be terminated. Here, Sgt. Bednarek testified that this was one of the reasons for his decision to terminate the chase. Based on the terms of the General Order, Officer Williams should have known that if he was having problems with the OEC system, he should have terminated the chase.

In the end, the Board is convinced that Officer Williams pressed ahead in his chase of Smith, without adequately advising supervisory staff of the information required by General Order 97-3-2. The result was that neither supervisory staff nor other beat cars could assist Officer Williams, and the four young officers involved in the chase made some very poor decisions on their own that led to the death of Ms. Haggerty.

**Officer Williams Fired His Weapon Without Justification at  
95th and Cottage Grove**

The evidence shows that Beats 632 and 634 cornered Smith at the busy intersection of 95th and Cottage Grove during rush hour. Rather than get out of his car and surrender, Smith maneuvered his car from between the two police vehicles, while all four officers were outside of their cars, pointing their guns at Smith. Officer Williams fired one shot at Smith. He does not say he was intending to disable the vehicle, but rather to hit Smith. He says he did so because Smith tried to run him down with his vehicle from a distance of five to ten feet away. If this was

true, the use of deadly force might be justified under General Order 86-8.

The Board does not credit Williams' testimony that Smith put him at risk of death or great bodily harm. First, three civilian witnesses (Taran Williams, Khaled Salma and Abdel Jebrin) all testified convincingly that Officer Williams was not in danger of any injury from Smith's car. Each of these witnesses was in a good position to see what happened and all of them were disinterested. The two that testified live at the hearing were quite credible on the witness stand. (A transcript of the third witness' prior testimony was admitted into the record.) There are no civilian witnesses that corroborate Officer Williams' account of the incident.

Raymond Smith and Darryl Abner (the CTA bus driver) also testified that Smith's car never came close to hitting Officer Williams. The Board, however, does not base its decision on their testimony, as Mr. Smith's credibility is seriously impugned by his irresponsible conduct on June 4, 1999 and Mr. Abner's testimony was suspect. He could not accurately recall even basic facts that occurred, e.g. he said that Smith was driving a truck, that he shot at the police and that Smith left, going eastbound on 95th Street.

Second, the physical evidence does not support Officer Williams. There are no skid marks at 95th and Cottage Grove, and Smith did not hit a car or anything else, as he exited this

intersection. Thus, it is difficult to believe he was accelerating the car and maneuvering it at Officer Williams in the manner the officer described. Further, one of Officer Daniels' two bullets appears to have lodged in the rear wheel well of Smith's car, suggesting that she was firing from the side of Smith's car and not the back, as Officer Williams testified. There is a bullet hole in the front hood of Smith's car that could be from Officer Williams' gun, but the preponderance of evidence supports the view that this bullet hole was made as Smith backed his car away from Officer Williams, in the manner that all of the civilian witnesses say occurred.

Third, James Marsh, the City's expert (and the only expert to testify at the hearing) was clear that, as an objective matter, Officer Williams had time to move away from the car rather than shoot, even if the car started toward him from only three to eight feet away. Moreover, Mr. Marsh convincingly testified that Officer Williams' decision to fire his weapon was inappropriate because of the crowded intersection, the passenger in the car, the inaccuracy inherent in shooting while jumping (as Williams says he did), the danger of ricochets, and the unlikelihood of stopping the moving car, even if Officer Williams had killed the driver with his bullet.

The evidence shows, by a preponderance, that Officer Williams was not justified in using deadly force at 95th and Cottage Grove. His decision to shoot his weapon was not in



accordance with General Order 86-8 or good police practice.

### **Officer Williams Did Not Promptly Report the Shooting at 95th and Cottage Grove**

No one disputes that General Order 99-01 requires that an officer who discharges his or her weapon must immediately notify OEC and provide all relevant information about the shooting. Officer Williams testified that he heard Officer Daniels report "shots fired", as he ran back to his car at 95th and Cottage Grove, and that this constituted the required report of the weapons discharge.

There is a garbled transmission on the OEC tape. Officer Williams says this is Officer Daniels' report, but even now, it cannot be made out on the tape. On the day in question, neither the dispatcher nor Sgt. Bednarek heard the call of "shots fired". Indeed, Officer Williams was unable to produce a single witness to say they heard this call on June 4, 1999. Moreover, it is clear that none of the other Sixth District officers listening to the radio heard it, or surely they would have notified the dispatcher that he had missed the report.

Even if Officer Daniels called in "shots fired", her report falls far short of what General Order 99-01 requires. She did not say who fired the shots, where this occurred, why it occurred, whether anyone was injured or killed, or what transpired after the shots were fired. No supervisor could make an informed decision about what to do based on her report, even assuming it

was heard.

Officer Williams contends that he was driving Beat 632 and it is the custom at the police department for the passenger officer to handle OEC communications and reports. The General Order, however, places the responsibility on all officers to report and where, as here, Officer Daniels does not report the weapons discharge (or makes an inadequate report), the Board finds that Officer Williams should have spoken into his microphone (four inches from his mouth) to make the report. Indeed, at page 84 of the transcript, Officer Williams concedes that if Officer Daniels made an inadequate report, he was obligated to do so. It is at least 30 blocks from 95th and Cottage Grove to 64th and King Dr. It took the officers five to six minutes to travel this distance. There was plenty of time for Officer Williams to provide some information to his superiors about what had transpired.

Much later, after Ms. Haggerty had been killed and Officer Williams was on the scene at 64th and King Dr., the Board finds that Officer Williams still did not report that he had fired his weapon at 95th and Cottage Grove. To be sure, Officer Williams says he told Sgt. Bednarek about the incident at 95th and Cottage Grove, but Sgt. Bednarek denies this and the Board credits his denial.

The evidence shows that Detective Baker was informed, at 64th and King Dr., that only one shot had been fired-----the shot

that killed Ms. Haggerty. Detective Baker then found the bullet hole in Smith's rear wheel well. Later, Detective Baker learned from another detective, who was transporting Smith, about Smith's account of the shooting at 95th and Cottage Grove. This information was relayed to Lt. Cadogan, who confronted the four officers, including Officer Williams, in Area 2, about what had occurred. It was only at this time, according to Lt. Cadogan, that the officers advised him about the shooting at 95th and Cottage Grove. In addition to the testimony of Detective Baker and Lt. Cadogan, Commander Davis and Sgt. O'Donnell testified that they were present at 64th and King Dr., and were not told of the shooting at 95th and Cottage Grove. The Board credits the testimony of Detective Baker, Lt. Cadogan, Commander Davis, Sgt. O'Donnell and Sgt. Bednarek over that of Officer Williams on this point and finds that Officer Williams violated the General Order by not providing a prompt report of the discharge of his weapon.

### **III. THE BOARD'S FINDINGS ON THE CHARGES AGAINST OFFICER WILLIAMS**

Based on the foregoing Decision, the Respondent Police Officer Michael Williams, Star No. 12379, is hereby found:

A. Guilty of violating Rule 2 (Count I), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (A) (1) (a) and General Order 99-01 V (B) (1), requiring certain reports following the discharge of a weapon;

B. Not Guilty of violating Rule 2 (Count I), to the extent that it charges him with failure to adhere to the provisions of

General Order 99-01 V (A) (1) (e) and General Order 99-01 V (A) (3),  
requiring certain reports following the discharge of a weapon;

C. Guilty of violating Rule 2 (Count II), for violating a  
direct order to terminate a vehicle chase;

D. Not Guilty of violating Rule 2 (Count III), charging him  
with engaging in excessive force against Raymond Smith;

E. Not Guilty of violating Rule 2 (Count IV), charging him  
with failure to immediately summon medical attention for Latanya  
Haggerty;

F. Guilty of violating Rule 2 (Count V), for failing to  
adhere to the provisions of General Order 86-8 IV (E), when he  
fired his weapon without justification at a fleeing vehicle;

G. Guilty of violating Rule 2 (Count VI), to the extent it  
charges him with failing to adhere to the provisions of General  
Order 99-01 V (A) (3) and V (B) (1), requiring certain reports  
following the discharge of a weapon but only to the extent that  
these reports involved the incidents that occurred at 95th and  
Cottage Grove on June 4, 1999;

H. Not Guilty of violating Rule 2 (Count VI), to the extent  
it charges him with failing to adhere to the provisions of  
General Order 99-01 V (A) (3) and V (B) (1), requiring certain  
reports following the discharge of a weapon but only to the  
extent that these reports involved the incidents that occurred at  
64th and King Drive on June 4, 1999;

I. Guilty of violating Rule 2 (Count VII) for giving false

information in his OPS statement, when he stated that Raymond Smith used his vehicle as a weapon against him;

J. Guilty of violating Rule 2 (Count VIII), when he fired his weapon without justification at a fleeing vehicle;

K. Guilty of violating Rule 6 (Count I), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (A) (1) (a) and General Order 99-01 V (B) (1), requiring certain reports following the discharge of a weapon;

L. Not Guilty of violating Rule 6 (Count I), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (A) (1) (e) and General Order 99-01 V (A) (3), requiring certain reports following the discharge of a weapon;

M. Guilty of violating Rule 6 (Count II), for violating a direct order to terminate a vehicle chase;

N. Not Guilty of violating Rule 6 (Count III), charging him with failure to immediately summon medical attention for Latanya Haggerty;

O. Guilty of violating Rule 6 (Count IV), for failing to adhere to the provisions of General Order 86-8 IV (E), when he fired his weapon without justification at a fleeing vehicle;

P. Guilty of violating Rule 6 (Count V), to the extent it charges him with failing to adhere to the provisions of General Order 99-01 V (A) (3) and V(B) (1), requiring certain reports following the discharge of a weapon but only to the extent that

these reports involved the incidents that occurred at 95th and Cottage Grove on June 4, 1999;

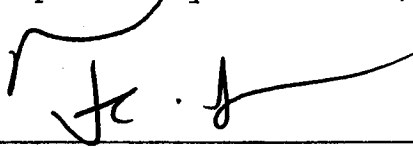
Q. Not Guilty of violating Rule 6 (Count V), to the extent it charges him with failing to adhere to the provisions of General Order 99-01 V (A) (3) and V(B) (1), requiring certain reports following the discharge of a weapon but only to the extent that these reports involved the incidents that occurred at 64th and King Drive on June 4, 1999;

R. Not Guilty of violating Rule 8, charging him with engaging in excessive force against Raymond Smith;

S. Guilty of violating Rule 14, for giving false information in his OPS statement, when he stated that Raymond Smith used his vehicle as a weapon against him; and

T. Guilty of violating Rule 38, when he fired his weapon without justification at a fleeing vehicle.

Respectfully submitted,

---

Thomas E. Johnson  
Hearing Officer

D E C I S I O N

The members of the Police Board, having read and reviewed the certified copy of the transcription of the hearing, having received the oral report of the Hearing Officer, Thomas A. Johnson, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopt all findings herein, and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the respondent's complimentary and disciplinary history, which is attached hereto as Exhibit A; and

IT IS HEREBY ORDERED that the respondent, Police Officer Michael Williams, Star No. 12379, as a result of having been found guilty of the charges in Police Board Case 99-2386, is hereby separated and discharged from his position as a Police Officer, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 14<sup>th</sup>  
DAY OF MARCH, 2003.

Daniel J. Carey  
Scott J. Davis  
Victor Long  
Philip J. Spillman  
Johnny L. Miller  
Patricia C. Ball

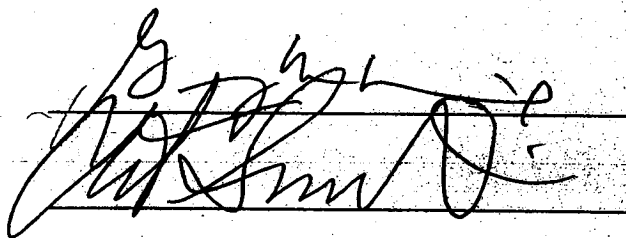
Paul A. [Signature]  
Executive Director, Police Board

Page 20 - Findings and Decision  
Police Officer Michael W. Williams  
Star No. 12379

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D I S S E N T

The following members of the Police Board hereby dissent from the decision of the majority of the Board. While concurring in the finding of guilt, they would support a penalty less severe than discharge.

A handwritten signature in black ink, appearing to be "G. J. Smith", is written over two horizontal lines.

RECEIVED A COPY OF THE FOREGOING  
COMMUNICATION THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2003

\_\_\_\_\_  
SUPERINTENDENT OF POLICE



INTERNAL AFFAIRS DIVISION  
RECORDS SECTION

29 June 1999

TO:

~~COMMANDING OFFICER OF UNIT 113~~

FROM:

RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

SUBJECT:

PREVIOUS DISCIPLINARY RECORD OF:

NAME WILLIAMS, MICHAEL 12379 006 UNIT  
(LAST FIRST, M.I.) STAR

SEX M RACE S.S.N. [REDACTED]

REFERENCE:

COMPLAINT REGISTER NUMBER(S) 254 121

RECORDS  
THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

SUPV. FAKUADE J 111 [REDACTED] 113  
RANK NAME STAR S.S.N. UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCED COMPLAINT REGISTER NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE FOLLOWING DISCIPLINARY ACTION(S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE PAST FIVE (5) YEARS.

VERIFIED/PREPARED BY:

SEE

PATRICIA JOHNSON

FOR: COMMANDING OFFICER  
RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

Ex A

ISSUED

AI72 PREVIOUS DISCIPLINARY ACTION SUMMARY FUNCTION DFFV  
NO MORE CLOSED - SUSTAINED CR'S (PAST 5 YEARS) OF SP'S (PAST 1 YEAR)  
SSN [REDACTED] NAME LAST WILLIAMS FIRST MICHAEL MI A STAR-12379  
UNIT 006 EMP NO 308546 SEX M RACE N DOB 26 SEP 62 DATE APPTD 04 AUG 97  
RANK 9161 POLICE OFFICER

CASE NO	INCIDENT DATE	DISCIPLINARY ACTION TAKEN	DATES SUSPENDED OR WORKED (FROM TO)	DEPT/TO REPORTED
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S990826 02 MAR 99 REPRIMAND

F/CAT:

LESS SER TRAN FAIL TO APPEAR IN CT OR NOT REVR OF INADJUT  
COMMENTS FAIL TO APPEAR IN COURT

F/CAT:

LESS SER TRAN  
COMMENTS

F/CAT:

LESS SER TRAN  
COMMENTS

RECEIVED  
INVESTIGATIVE  
SECTION  
ONLY

CHICAGO POLICE DEPARTMENT  
COMPLIMENTARY HISTORY

DATE: 29 June 1999

NAME: Williams, Michael RANK PO SSN [REDACTED] STAR 12379 UNIT 006

SPECIAL AWARDS

000

DEPARTMENT  
COMMENDATIONS:

000

HONORABLE  
MENTIONS:

004

COMPLIMENTARY  
LETTERS:

001

Complimentary History Requested By:

NAME Fakuade, Joseph RANK Supv STAR 111 UNIT: 113

CR#: 254121

Completed By: Demetra Berry

PERSONNEL SERVICES



JUN 30 1999



CHICAGO POLICE DEPARTMENT

Personnel Division  
Records Section-Rm 803  
Pax 0342 - Bell 747-5549